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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/054,986	04/03/1998	MARK W. STAVNES	SC-5285	3346

7590

11/15/2002

JAMES V LAPACEK
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EXAMINER

NOLAN, SANDRA M

ART UNIT	PAPER NUMBER
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1772

20

DATE MAILED: 11/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/054,986

Applicant(s)

STAVNES ET AL.

Examiner

Sandra M. Nolan

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-26, 36 and 39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-26, 36 and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claims

1. Claims 24-26, 36, and 39 are pending.

Amendment

2. The amendment submitted with the response of 3 September 2002 (Paper No. 19) has been entered.

Drawings

3. New corrected drawings are required in this application because the USPTO draftsman has found Figures 1-5 to be objectionable. See the form PTO-948 submitted in the Office Action dated 14 September 1999 (Paper No. 2). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings.
4. Figure 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application.
5. The examiner notes that, in Paper No. 19, on page 3, at about the middle of the page, applicants argue that Figure 3 illustrates an inferior tapered bore. Thus, Figure 3 illustrates the prior art and should be so labeled.
6. Also, Applicant should amend the specification to indicate that Figure 3 illustrates the prior art and not the invention.

Rejections Maintained

7. The 35 USC103 rejection of claims 24-26 as unpatentable over Brown et al (US 5,975,145) in view of Tobin (US 4,349,803), as repeated in section 4 of the March 1, 2002 Office Action (Paper No. 17), is maintained for reasons of record.
8. The 35 USC 103 rejection of claims 36 and 39 as unpatentable over Brown in view of Schmunk, as repeated in section 5 of Paper No. 17, is maintained for reasons of record.
9. The 35 USC 112 rejection of claims 36 and 39 for indefiniteness, as explained in section 7 of Paper No. 17, is maintained for reasons of record.

Response to Arguments

10. Applicant's arguments filed in Paper No. 17 have been fully considered but they are not persuasive.

The arguments set out in Paper No. 17 will be responded to in the order in which they were presented.

On page 2, applicants summarize the two prior art rejections and argue that Tobin does not—as the examiner alleges—show a wound body at col. 4, line 17.

The examiner acknowledges that Tobin's body 12 is not wound. But Tobin recites, at col. 4 lines 6-9: "The boundary between the two portions 30 and 40 of the body 12 is defined by a cylinder 50 of reinforcing material, such as woven fiberglass cloth or mat or spirally wound fiberglass strands." [Emphasis added.] Thus, cylinder 50 is a body of wound fiberglass cloth/strands. Also, Tobin teaches the use of melamine as an arc-quenching material (col. 4, line 16).

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Applicants' arguments seem to ignore the fact that the 35 USC 103 rejections use, as their primary reference, the Brown patent. It teaches fuse tubes made by winding fiber and arc quenching materials together (see the Brown abstract).

On page 3, applicants argue that the 35 USC 112 rejection is improper because the uniformity of the winding is explained in the specification at page 7, lines 3-27.

However, the twenty-four lines of text in the specification at page 7, lines 3-27 are not recited in the claims and the claims, as presently worded, remain indefinite for the reasons set out in section 7 of Paper No. 17.

Conclusion

Any inquiry concerning this communication should be directed to Sandra M. Nolan, whose telephone number is 703/308-9545. The Examiner can normally be reached on Monday through Thursday, from 6:30 am to 4:00 pm, Eastern Time.

If attempts to reach the Examiner by telephone are unsuccessful, her supervisor, Harold Pyon, can be reached at 703/308-4251. The general fax number for the art unit is 703/305-5436. The receptionist answers 703/308-0661.



S. M. Nolan
Patent Examiner
Technology Center 1700

SMN/smn
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November 11, 2002